

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AKAMAI TECHNOLOGIES, INC.,)

and)

MASSACHUSETTS INSTITUTE OF)
TECHNOLOGY,)

Plaintiffs,)

vs.)

DIGITAL ISLAND, INC.,)

Defendant.)

Civil Action No. 00-cv-11851-RWZ

Judge Rya W. Zobel

DIGITAL ISLAND, INC.,)

Plaintiff,)

vs.)

AKAMAI TECHNOLOGIES, INC.,)

Defendant.)

Civil Action No. 01-cv-11007-RWZ

**DEFENDANT DIGITAL ISLAND'S ASSENTED TO MOTION TO JOIN KINETECH AS
A PARTY AND FOR AN EXPEDITED SUPPLEMENTAL DISCOVERY PERIOD**

Digital Island, Inc. ("Digital Island"), pursuant to Fed. R. Civ. P. 19, hereby moves that Kinetech, Inc. ("Kinetech") be joined as a party to the above captioned case. Kinetech, Inc. is a Delaware corporation having its principal place of business at 3140 Whisperwoods Court, Northbrook, Illinois. In particular, Digital Island moves that Kinetech be joined as a defendant to Akamai's declaratory judgment claims of invalidity and non-infringement of U.S. Patent No. 5,978,791 ("the '791 Patent") in Civil Action No. 00-CV-11851-RWZ, and as a plaintiff with Digital Island in Civil Action No. 00-CV-11007-RWZ. Digital Island also requests that the Court enter a supplemental discovery order directing the parties, including Kinetech, to expedite

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and complete all discovery relating to Kinotech within 15 (fifteen) days from the entry of an order on this motion. Akamai Technologies, Inc., the Massachusetts Institute of Technology, and Kinotech assent to this motion.

As grounds for this motion, Digital Island states that the parties to these proceedings are in agreement that Kinotech should be joined as a party, since Kinotech has an ownership interest in the '791 patent. Kinotech is both agreeable to being added and willing to be bound by any judgment entered by the Court in these proceedings. Kinotech is represented in this matter by Pillsbury Winthrop LLP and Goodwin Procter LLP. As further grounds for this motion, the parties state that they support the entry of an order for expedited supplemental discovery since most of the related discovery has already been completed and Kinotech is prepared to respond to any additional discovery requests on an expedited basis. Finally, the joinder of Kinotech is not expected to delay the current trial schedule.

Respectfully submitted,

Dated: October 4, 2001

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of
the above document was served upon the
attorney(s) of record for each other
party by mail/hand on 10/4/01
L. J. W. W.